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EXAMINER
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SINGH, RACHNA

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2176

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/995,266  
Filing Date: November 27, 2001  
Appellant(s): BAUCHOT, FREDERIC

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Jack P. Friedman  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/11/07 appealing from the Office action mailed 05/07/07.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Flaherty, John, "Selected Excel Basics, Excel Tips for Efficient Spreadsheet Use",  
Available: [http://www.bf.rmit.edu.au/quant/Excel/Excel\\_Tips.pdf](http://www.bf.rmit.edu.au/quant/Excel/Excel_Tips.pdf), available 08/31/00.  
Microsoft, Microsoft Excel screenshots, copyright 1985-1999).

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2 and 7-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Flaherty, John, "Selected Excel Basics, Excel Tips for Efficient Spreadsheet Use", Available: [http://www.bf.rmit.edu.au/quant/Excel/Excel\\_Tips.pdf](http://www.bf.rmit.edu.au/quant/Excel/Excel_Tips.pdf), 08/31/00 (as further evidenced by screen shots provided from Microsoft Excel, Copyright 1985-1999).

**In reference to claims 1, 13, and 14,** Flaherty/Excel teaches a means for filling in empty cells in a range of cells within a spreadsheet. See page 2 of Flaherty and page 3 of EXCEL screenshots demonstrating the same. Flaherty/EXCEL discloses the following:

-Selecting a range of cells wherein some of the cells comprise empty cells and cells containing a value such as the month, day of the week, or number. See Flaherty page 2, "Using the Fill Handle" and figures on pages 2-3. See also EXCEL screenshots on pages 3-5 demonstrating the same. The cells comprise a sample cell filled with values (see Flaherty page 3, first figure and the corresponding EXCEL screenshot on page 4) and empty cells contain no value (see Flaherty page 3, second figure and the corresponding EXCEL screenshot on page 5) Compare to **"selecting the range of cells, said range comprising a plurality of sample cells** (i.e. Flaherty B2 in figure 2 on page 2 and the corresponding EXCEL screenshot on page 3) **and one or a plurality of empty cells** (i.e. Flaherty B3 in figure 2 on page 2 and the corresponding EXCEL screenshot on page 3), **wherein prior to said selecting each sample cell contains a sample value, and an empty cell contains no value or a value not considered as a sample value; the content  $y_i$  of each sample cell and each empty cell being associated with a particular value  $x_i$  of a variable  $x$ ;"** See EXCEL screenshots depicting the same on page 3 which depicts a range of cells comprising sample cells and one or more of a plurality of empty cells wherein the sample cell has a sample value and the empty cell has no value.

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-Entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified. Compare to ***"selecting one or a plurality of previous sample cells with respect to the empty cell; selecting one or a plurality of next sample cells with respect to the empty cells."*** See EXCEL screenshots depicted the same on page 3 which depicts a range of cells comprising sample cells and one or more of a plurality of empty cells wherein the sample cell has a sample value and the empty cell has no value.

-The series dialogue box allows a user to indicate the linear series and fills out the empty cells according to the start and stop values. See Flaherty, pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. Compare to ***"after said selecting, ordering the sample cells and empty cells according to the values  $x_i$  associated with the content of said cells; after said ordering, processing the empty cells comprising, for each empty cell, the steps of: identifying the value  $x_i$  associated with the content of the empty cell; computing the value  $y_i$  of the empty cell according to the values  $y_{previous}$  contained in the selected one or plurality of previous sample cells, and the values  $y_{next}$  contained in the selected***

***one or plurality of next sample cells; filling the empty cell with said computed value  $y_i$ .***

**In reference to claim 2**, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, “Entering a Data Series” and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the “previous sample cell” and “next sample cell” of the empty cells in between the start value and stop value are specified.

**In reference to claim 7**, Flaherty teaches the range of cells comprise a value associated with the content of a sample cell. See Flaherty pages 4-5, “Entering a Data Series” and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 8**, Flaherty teaches the value of  $y_i$  is calculated by determining the pattern in the range of cells. This entails determining content of a previous/start cell and next/stop cell and the value associated with the content in order to determine the value of the empty cell. For example, content and value of a previous/start cell and a next/stop cell are used to calculate what goes into an empty cell. See Flaherty pages 4-5, “Entering a Data Series” and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 9**, Conlon discloses a means in which a selected range of cells comprises a single column and row of cells. See Flaherty figures on pages 1-2 and the corresponding EXCEL screenshot on page 3. Each cell comprises a value.

**In reference to claim 10**, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See Flaherty page 2 and the corresponding EXCEL screenshot on page 3. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

Compare to ***"an index field for identifying said empty cell; a sample field for indicating that said cell is a sample cell; a  $X_i$  field with the value  $x_i$  associated with said empty cell; an index of the previous sample field with the value of the index filed of a previous record having a sample value"*** In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the ***empty cells*** in between the start value and stop value are specified. Compare to ***"a  $X_{prev.samplefield}$  with the value of the  $X_i$  field of a previous record having a sample ; the " $f(X_{prev.sample})$  field" with the value  $y=f(x)$  of said sample cell; an "index of the next sample field" with a value of the "index filed" of the next record having a sample value; the  $X_{nextsamplefield}$  with the value of the  $X_i$  field of a next record***



***having a sample value; the “ $f(X_{nextsample})$  field” with the value  $y=f(x)$  of a cell in the range corresponding to a next record having a sample value;***

In reference to claim 11, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See page 2 and the corresponding EXCEL screenshot on pages 3. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, “Entering a Data Series” and the corresponding EXCEL screenshot on pages 6-9. Compare to ***“an index field for identifying the sample cell; a sample field for indicating that said cell is a sample cell; a  $X_i$  field with the value  $x_i$  associated with said sample cell; the inext of the previous sample field with the value of the index filed of the sample cell”*** In indicating a start and stop value in a series of cells, the “previous sample cell” and “next sample cell” of the ***empty cells*** in between the start value and stop value are specified. Compare to ***“a  $X_{prev.samplefield}$  with the value of the  $X_i$  field of said sample cell; the “ $f(X_{prev.sample})$  field” with the value  $y=f(x)$  of said sample cell; the “index of the next sample field” with the value of the “index filed” of said sample cell; the  $X_{nextsamplefield}$  with the value of the  $X_i$  field of said sample cell; the “ $f(X_{nextsample})$  field” with the value  $y=f(x)$  of said sample cell;***

**In reference to claim 12**, Flaherty teaches a table comprising N records. See Flaherty figures on page 2, 3, and 4 and the corresponding EXCEL screenshot on pages 3-9.

**In reference to claim 15**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 16**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 17**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 18**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 19**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 20**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 21**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

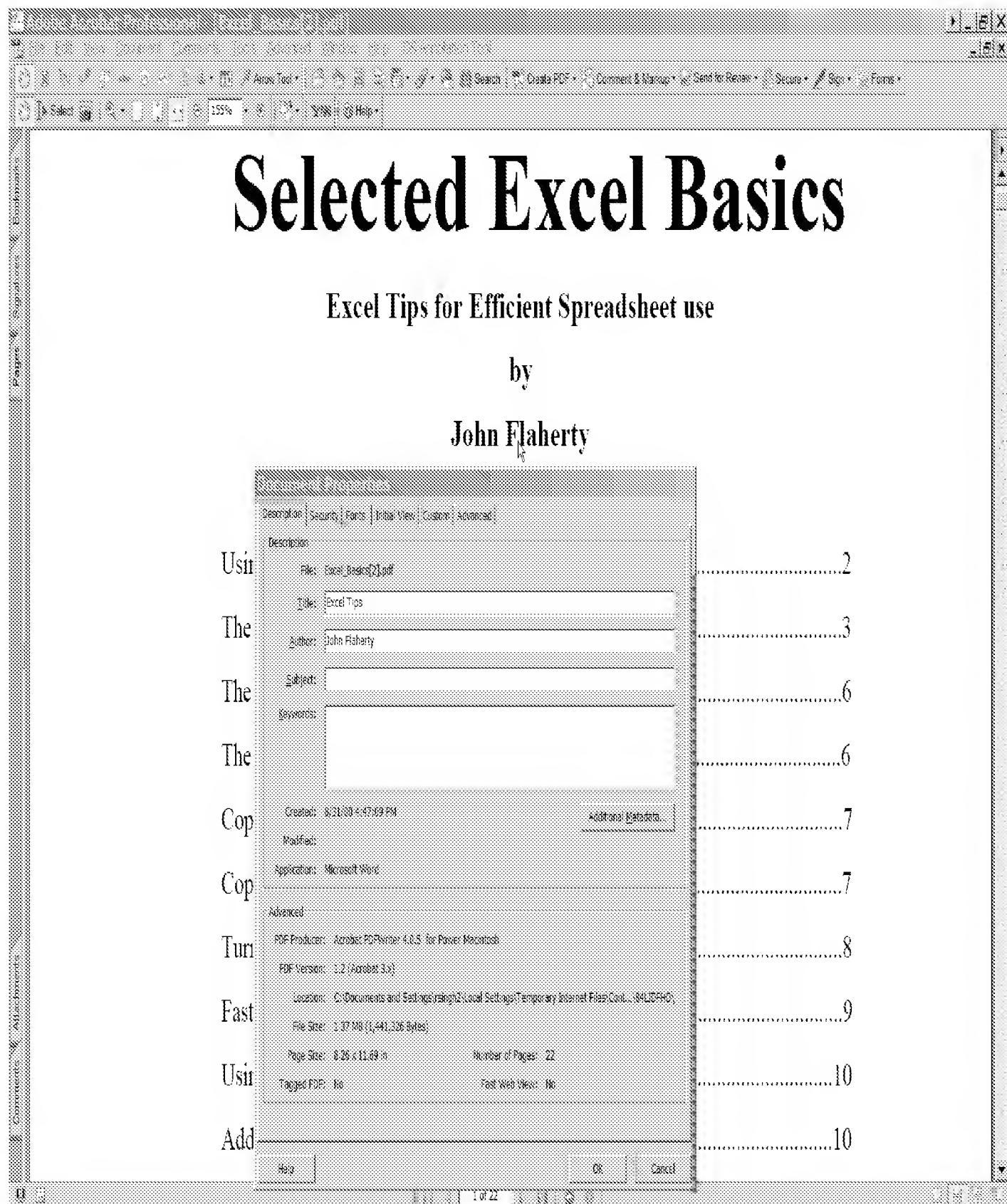
**In reference to claim 22**, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

**In reference to claim 23**, Flaherty teaches custom formatting of cells where a user can indicate a range of cells and font, border, pattern, and background information. See Flaherty page 12 and the corresponding EXCEL screenshot on page 12.

**In reference to claim 24**, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

#### **(10) Response to Argument**

Beginning on pages 4 of the Brief and continuing through page 5, Appellant argues the Flaherty reference cannot be used under 35 U.S.C. 102(a) because there is no publication date. While Examiner was relying on the associated screen shots of the 1999 version of Microsoft Excel to provide a date with respect to the teachings of Flaherty, Examiner provides further proof that Flaherty can be used under 35 U.S.C. 102(a) below. Specifically, the document properties of the "Selected Excel Basics" indicate it was created and published on 08/31/00 and not modified after that date. Please see screen shot on the following page.



Therefore, the Flaherty reference was available to users prior to the filing date of Appellant's invention.

On pages 5-6 of the Brief, Appellant argues that while Excel 2000 was available to users during 1985-1999, it was also available after 1999 and therefore, the screen shots generated may not have been before the filing date of November 27, 2001. Examiner disagrees. The screenshots have been produced from Excel 2000 version copyrighted from 1985-1999 which means the last update was made in 1999. The features of Excel presented in the screenshots were available to users in 1999.

Beginning on page 8 of the Brief, Appellant argues Flaherty does not teach various features of claim 1. Specifically, Appellant argues the phrases, "prior to said selecting", "after said selecting", and "after said ordering" require the sample cells contained their sample values be in the spreadsheet before the range of cells is selected.

Examiner disagrees with Applicant's assertions.

As an initial point, there does not appear to be a limitation excluding the dialog box as being the means by which the cells are filled. The dialog box represents the spreadsheet cells. In other words, the claim does not necessarily require that the values be generated from within the cells of the spreadsheet but rather that the values be generated and processed for empty cells which is what the dialog box does. Using the dialog box, the cells A2-A17 can be filled in with values based on previous cell value and next cell value as depicted in the EXCEL screenshots on pages 8-9 and also in Flaherty on page 5. Furthermore, the cells can certainly contain a value in the

spreadsheet before the range of cells are selected from within the dialog box. The use of a dialog box does not prohibit sample cells being filled out prior to utilizing the dialog box.

On pages 9-10 of the Brief, Appellant argues Flaherty does not teach the start value of 10 and a stop value of 90 are placed in the cells of the spreadsheet prior to selecting the range of cells, as required by claim 1. It is noted that claim 1 does not recite, *the start value of 10 and a stop value of 90 are placed in the cells of the spreadsheet prior to selecting the range of cells*. Appellant further argues that Flaherty does not teach the features of claim 1 because it allows a user to enter a start value, a step value, and a stop value, but this is done within a dialog box and not by cells of the spreadsheet. Examiner disagrees with Appellant's assertions. There does not appear to be any limitation excluding the dialog box as being the means by which the cells are filled. The dialog box represents the spreadsheet cells. In other words, the claim does not necessarily require that the values be generated from within the cells of the spreadsheet but rather that the values be generated and processed for empty cells which is what the dialog box does. Using the dialog box, the cells A2-A17 can be filled in with values based on previous cell value and next cell value as depicted in the EXCEL screenshots on pages 8-9 and also in Flaherty on page 5.

On page 10 of the Brief, Appellant argues Flaherty does not teach an algorithm for generating the filled-in cells A1-A17 shown in the figure at the top of page 5 of Flaherty. Appellant argues Flaherty does not disclose computing a value according to the value in the previous cell and the value in the next cell. Examiner disagrees.



Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified and the remaining cells filled in according to the algorithm set in the dialog box.

On page 11 of the Brief, Appellant argues Flaherty does not teach "the preceding feature of claim 2, because the preceding algorithm in Flaherty uses y-values in computing the value  $y_i$  of each empty cell but does not use x-values". Examiner disagrees. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

On pages 12-17 of the Brief, Appellant argues Flaherty does not teach the features claimed in claims 8, 9, 10, 11, 22, 23, and 24. Appellant merely states the claim features are not taught by the cited portions of Flaherty without explaining why those portions do not teach what the Examiner purports it teaches. Broad, general statements alleging certain features are not taught without explanation as to why they are not taught do not explain how the claims avoid the references or distinguish from

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them.

Furthermore, Examiner notes the Excel screenshots have not been argued separate of the Flaherty reference in the Brief.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Rachna Singh/

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